

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 7-11, and 14-42 are pending. Claims 2-6, 12, and 13 are cancelled without prejudice or disclaimer, Applicants reserving the right to file one or more continuation/divisional applications directed to the subject matter of the cancelled claims.

The claims are amended to address informalities, including the issues noted on page 3 of the Office Action.

The rejection of claim 43 under 35 U.S.C. §102(e) as being anticipated by Irvin (WO 00/30379) is rendered moot by the cancellation of the claim.

Applicants respectfully traverse and request reconsideration of the obviousness rejections under 35 U.S.C. §103(a) of claims 1, 7-11, and 13-27 over Irvin in view of Suzuki (U.S. 6,129,274), claims 28-31 and 33-42 over Irvin in view of Scroggie et al. (U.S. 6,185,541), and claim 32 over Irvin and Scroggie in view of Eldridge et al. (U.S. 6,601,102).

Independent claims 1 and 18 recite a service delivery method and system having a combination of steps and elements, including a user-associated instance of an executable program, customized for the transaction, for implementing a particular service, and (b) subsequently detecting a location match between the location of the user, as indicated by the location of a mobile entity associated with

the user, and a location indicated by the location data, and thereupon initiating execution of the user-associated program instance to deliver the particular service to the user.

Independent claims 28 and 40 recite a service delivery method and system having a combination of steps and elements, including a service token indicative of a qualified user's entitlement to benefit from a particular service and including a service identifier identifying the particular service, the service token being stored in a mobile entity associated with the user, and subsequently detecting a location match between the location of the user, as indicated by the location of the mobile entity, and a location indicated by the location data, and thereupon passing the service token from the mobile entity to a service provider system where the service provider system checks that the service token originates from a party for which it is willing to provide service delivery before initiating delivery to the user of the particular service as identified by the service identifier.

None of the cited references, including Irvin, Suzuki, Scroggie, and Eldridge, discloses or suggests a system or method having the above-noted features.

In contrast to Applicants' claimed invention, Irvin merely discloses location-dependent delivery of a message, particularly a broadcast message. More specifically, a mobile terminal 100 stores location data in a position memory 170 (see FIG. 2). The location

data can comprise, for example, latitude and longitude values as shown for location data 290 (see FIG. 4). The location data relates to the location of the mobile terminal 100 or may be another location set manually or by other means (see page 11, lines 7-24).

A message includes a header 205 having a format as illustrated in FIG. 3. The header includes a Target Area of Reception field 250, which specifies a geographic area for which the message has relevance (see page 10, lines 15-19). When the mobile terminal receives a message, among other checks, it determines whether the location specified by the location data in memory 170 falls within the geographic area specified by the Target Area of Reception field 250 (step 435 of Figure 6; page 14, lines 7-9). If so, the message is processed (step 445).

Nowhere does Irvin teach or suggest a method or system wherein, upon conducting a transaction, a user-associated instance of executable program code, customized for the transaction, is stored, or when the user arrives at a trigger location, execution of the user-associated program instance is initiated, as set forth in Applicants' independent claims 1 and 18.

Contrary to the assertion in the Office Action, Irvin's Broadcast Group code field is not the same as Applicants' user-associated instance of program code. Since the contents of the code field 235 simply serves to identify a broadcast group intended to receive a broadcast message (see page 10, lines 13 and 14), the field

235 clearly does not hold an executable program. Claims 1 and 18, and the claims dependent thereon, are amended to refer to "an instance of an executable program" or "program instance."

Since storing a customized, executable program is an important aspect of the present invention, the absence of this feature in Irvin and, as discussed below, Suzuki renders the presently claimed invention patentable over the cited art. Nor is this the sole patentably distinguished feature of the presently claimed invention.

Applicants emphatically disagree with the statement on page 5 of the Office Action that a location match results in "initiating execution of the Broadcast Group code field (i.e., user-associated program-code instance) to deliver the particular message." In fact, the code in field 235 is simply compared in step 410 of FIG. 6 to "a list of broadcast group codes held in the memory 150 (see page 13, lines 19 and 20). If a match is found, processing is continued by the control unit 102 of terminal 100.

In addition, Irvin says nothing about customizing an executable program instance to a particular transaction. While the Office Action relies on Suzuki to fill in this gap, Suzuki merely discloses an integrated circuit (IC) card onto which customer transaction data can be loaded, for example, from a point of sale (POS) terminal. Transferring such data to an IC card cannot be equated with sending a message in Irvin. Even assuming, *arguendo*, it could, how would it be obvious to one of ordinary skill in the art to customize the

Broadcast Group code field to a transaction? Why that particular field of all the fields in the message? Further, the Examiner has failed to identify any motivation in either reference teaching or suggesting the asserted combination.

Scroggie and Eldridge fail to cure the deficiencies of Irvin and Suzuki. Therefore, for at least the above-noted reasons, claims 1 and 18, and the claims dependent thereon, are allowable over Irvin, taken alone or in combination with Suzuki.

Claims 28 and 40, and the claims dependent thereon, are similarly allowable over the applied references. Nowhere does Irvin disclose or suggest passing a service token from a mobile entity to a service provider system where the service provider system checks that a service token originates from a party for which it is willing to provide service delivery before initiating delivery to a user of the particular service as identified by a service identifier.

Even if one were to accept the assertion on page 7 of the Office Action that the service token of claims 28 and 40 is tantamount to Irvin's transmission header of the received message, Irvin still does not disclose or suggest sending this token from the mobile entity to a service system to initiate service delivery. Irvin does not disclose sending the token from the mobile entity to a service system. Any assumption that the user will send on the message header as a token to a service system is just that: pure speculation unsupported by the references and/or reasoning.

Also, contrary to the assertion on page 11 of the Office Action, Irvin does not disclose or suggest a service system checking that the service token originates from a party for which it is willing to provide service delivery. Irvin does not disclose performing a check in relation to the "From" field of the message header as would be required.

Scroggie and Eldridge fail to cure the deficiencies of Irvin and Suzuki. Therefore, for at least the above-noted reasons, claims 28 and 40, and the claims dependent thereon, are allowable over Irvin, taken alone or in combination with Suzuki.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claims 1, 18, 28, and 40 are allowable. The remaining claims are also allowable due to dependence, directly or by extension, on allowable independent claims, as well as for the additional limitations provided by these claims. Favorable reconsideration and allowance of the application are, therefore, deemed in order.

Applicants hereby request a one-month extension of time in which to respond to the final Office Action and hereby authorize the Commissioner to charge any required fees not otherwise provided for,

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including application processing, extension of time, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,

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